



AERIAL ADVERTISING

January 2, 2001

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, S.W.
Washington DC 20590-0001

DEPT. OF TRANSPORTATION
JAN 2 2001

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RE: Docket No. FAA-2000-8274; Notice No. 00-13-43

Dear Sir or Madam:

As the owner of a company engaged in aerial advertising, I have grave concerns regarding the proposed changes to the current regulations. Airshows are certainly entitled to protection and I have no objection to these performances being covered by a Temporary Flight Restriction (TFR). To state that major sporting events (or other outdoor events) require the same level of protection is ludicrous in the extreme. Banner towers operate at extremely low airspeeds, and *never* in an aerobatic attitude. *Never* in the history of banner towing has there been a collision of tow planes over an event or an injury to a spectator. We operate outside the perimeter of the event if for no other reason than that our banners cannot be read when directly overhead.

Banner towers all operate with a Certificate of Waiver or Authorization and must operate in compliance with its attendant Special Provisions. While not nationally uniform, these Special Provisions are meant to protect the general public and a lack of compliance by a banner tower can result in a suspension or revocation of his Certificate. Most large events are monitored by the local Flight Standards District Office (FSDO) to insure compliance. When operating outside our normal area, we are required to contact the local FSDO and are thus informed of the local Special Provisions. Military fly-bys or jumpers are easily handled by local Air Traffic Control. We are responsible, skilled professional pilots, comfortable flying in close proximity with other tow planes, and with safety uppermost in our minds.

Mention of aerial advertising in the Notice of Proposed Rule Making (NPRM) is conspicuously absent. Any mention of banner towing would necessarily raise the question of economic impact. Although hard figures are difficult to obtain, most estimates of the revenues generated fall within the \$50-100M range. It can well be said that this non-mention of banner towing is a rather blatant attempt to side-step the requirements of Executive Order 12866 and the Regulatory Flexibility Act of 1980. Others might say this

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is an attempt to "sneak something past" the Aerial Advertising Industry under pressure from event organizers and team owners who view our businesses as competition. The appearance of a few powerful individuals using the government as an ally to stifle competition cannot be denied.

Many of our clients don't have the advertising budget for television or in-event advertising. They have found aerial to be one of their most effective ways to deliver their message, and they tend to be surprisingly loyal. Larger clients with tight fiscal controls have found a rewarding return on their advertising dollar. They too, return year after year. Individuals use our services to propose marriage, wish happy birthday, congratulate, etc. Still others use us as a means of protest. To restrict this medium for free expression raises First Amendment issues.

In summary, the proposed rule change does nothing to increase safety at major sporting events and is unnecessary. The proposed change will have a devastating economic impact on a large number of small entities. Rather than promote Air Commerce as is the Federal Aviation Administration's charter, the changes, as proposed will effectively strangle banner towing into non-existence. Some say this is the intent.

For the above stated reasons, I respectfully request part 91 of 14 CFR *not* be amended to include §91.145 as proposed, but instead should *exclude* major sporting events from the proposed change. I further request properly certificated banner towers be added as §91.145(g)(7), and that this exemption be included in our Certificate of Waiver or Authorization.

Respectfully,



G.A. Bud Newhouse
President

GAN:sf

cc: Senator George Voinovich
Senator Mike De Wine
Honorable Rob Portman



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